

**PRIORITY SEND**

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES -- GENERAL

Case No. EDCV 09-02201 VAP(DTBx)

Date: February 10, 2011

Title: ALLEN KATZMAN AND ELIZABETH KATZMAN -v- ALLSTATE  
INSURANCE COMPANY, AN ILLINOIS CORPORATION; WILLIAM  
CLARK, AN INDIVIDUAL, AND DOES 1 THROUGH 50, INCLUSIVE

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PRESENT: HONORABLE VIRGINIA A. PHILLIPS, U.S. DISTRICT JUDGE

Marva Dillard  
Courtroom Deputy

None Present  
Court Reporter

ATTORNEYS PRESENT FOR  
PLAINTIFFS:

ATTORNEYS PRESENT FOR  
DEFENDANTS:

None

None

PROCEEDINGS: MINUTE ORDER ORDERING PLAINTIFFS TO SHOW  
CAUSE WHY THEIR ACTION SHOULD NOT BE  
DISMISSED FOR FAILURE TO PROSECUTE (IN  
CHAMBERS)

On October 22, 2009, Plaintiffs Allen and Elizabeth Katzman ("Plaintiffs") filed an action in the Superior Court of California, County of San Bernardino against Defendants Allstate Insurance Company ("Allstate"), William Clark ("Clark"), and Does 1 through 50 (collectively, "Defendants").

Defendant Allstate removed the action to this Court on December 1, 2009. (Doc. No. 1.) In their Notice of Removal, Allstate asserted that Clark was never

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served with the state court complaint and that Plaintiffs failed to state any viable causes of action against Clark under California law. (Id. at 4.) Allstate argued that Clark was thus a fraudulently joined defendant, and that, as they were the only remaining defendant, this Court had diversity jurisdiction over the parties under 28 U.S.C. § 1332(d). (Id.) Plaintiffs did not contest the removal.

On December 3, 2009, Allstate filed a motion for judgment on the pleadings as to Plaintiffs' fourth claim, brought under California's Business and Professions Code § 17200. (Doc. No. 5.) The Court granted the motion on February 22, 2010. (Doc. No. 16.) The parties then stipulated to dismiss Defendant Clark from the case on March 17, 2010, and he was dismissed by the Court from the case on March 26, 2010. (Doc. Nos. 20 & 22.)

Neither party has filed any substantive motions with the Court since March 23, 2010. Accordingly, the Court ORDERS Plaintiffs to show cause, in writing, why the case should not be dismissed for failure to prosecute. Failure to respond to this order before February 20, 2011, will result in dismissal of Plaintiffs' action.

**IT IS SO ORDERED.**